REMARKS

[0003]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 47-54 are presently pending. Claims amended herein are: 47, 49 and 51-54. Claim cancelled herein is: 50. New claims added herein are: none.

Statement of Substance of Interview

[0004]   The Examiner graciously talked with me—the undersigned representative for the Applicant— on February 13, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005]   During the interview, I discussed how the claims differed from the cited art. Additionally, we talked about how the proposed amendments to the specification overcame the Examiner's objections. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006]   I understood the Examiner to tentatively agree that the independent claims would be patentable over the cited art if amended as discussed during the interview. Specifically, the Examiner indicated that the inclusion of the user of the user interface entering additional URLs identifying target sources that contain supplemental information related to the particular program was not taught by the relied upon references. However, the Examiner indicated that he would need to

Serial No.: 10/620,254
Atty Docket No.: MS1-0093USC2
Atty/Agent: Jason F. Lindh
RESPONSE TO NON-FINAL OFFICE ACTION

10

lee&hayes   The Business of IP™
www.leehayes.com   509.324.9256

review the cited art more carefully and do another search, and requested that the proposed amendments be presented in writing.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 47, 49 and 51-54 herein.

Serial No.: 10/620,254
Atty Docket No.: MS1-0093USC2
Atty/Agent: Jason F. Lindh
RESPONSE TO NON-FINAL OFFICE ACTION

11

lee&hayes   The Business of IP™
www.leehayes.com   509 324 9256

Formal Matters

[0011]   The abstract has been objected to as exceeding the maximum number of word (150) as suggested by the MPEP. The disclosure is objected to as containing en embedded hyperlink and/or other form of browser-executable code. Additionally, the disclosure has been objected to because on Page 15 the application referred to Element 74 (Network #1) as Element 72 (a computer mouse).

[0012]   Applicant has included a proposed replacement abstract that is reduced in size. Additionally, Applicant proposes changing page 15 to correct the accidental misidentification of element 74. Applicant disagrees with the Examiner over the need to remove the hyperlinks and/or other form of browser executable code.

[0013]   Applicant is not using the hyperlinks in the application in an attempt to incorporate essential or non-essential matter into the patent application by reference to the content of the site to which the hyperlink id directed. Instead, Applicant is utilizing the example of a hyperlink to describe how a hyperlink works. Specifically, the use of the hyperlink in the present application is being used to illustrate how a hyperlink would work in conjunction with an Electronic Program Guide (EPG).

[0014]   MPEP § 608.01(a) states under the Examiner Note:

> Examiners should not object to hyperlinks where the
> hyperlink and/or browser-executable code themselves
> (rather than the contents of the site to which the

Serial No.: 10/620,254
Atty Docket No.: MS1-0093USC2
Atty/Agent: Jason F. Lindh
RESPONSE TO NON-FINAL OFFICE ACTION

12

lee&hayes   The Business of IP™
www.leehayes.com   509.324.9255

hyperlinks are directed) are necessary to be included in the patent application in order to meet the requirements of 35 U.S.C. § 112, first paragraph, and applicant does not intend to have those hyperlinks be active links.

[0015]   The Applicant does not intend for the hyperlinks to active. Inclusion of the hyperlinks is solely intended as examples in explaining how a hyperlink operates. Applicant respectfully requests that the Examiner withdraw this objection to the disclosure.

Provisional Double-Patenting Rejections

[0016]   Claims 47, 48 and 54 have been rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1 and 2 of U.S. Patent No. 6,631,523. Claims 47-49 and 52-54 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, and 8 of U.S. Patent No. 6,025,837. Claims 47, 48, and 54 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,240,555. Claims 49-53 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/832,765.

[0017]   Accordingly, Applicant submits herewith terminal disclaimers to overcome the provisional double-patenting rejections.

Serial No.: 10/620,254
Atty Docket No.: MS1-0093USC2
Atty/Agent: Jason F. Lindh
RESPONSE TO NON-FINAL OFFICE ACTION

13

lee&hayes   The Business of IP™
www.leehayes.com   509 324 9256

Substantive Matters

Claim Rejections under §101

[0018]   Claims 49-53 are rejected under 35 U.S.C. §101. In light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. The Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0019]   If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under §§ 102 and/or 103

[0020]   Claims 49-52 has been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,589,892 to Knee. Claims 47-48 and 53-54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Knee in view of U.S. Patent 5,818,441 to Throckmorton. Applicant respectfully traverses these rejections, but in an attempt to advance prosecution, proposes the following amendments.

Anticipation Rejections

[0021]   Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.[1] Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.[2]

Based upon Knee

[0022]   The Examiner rejects claims 49-52 under 35 U.S.C. § 102(e) as being anticipated by Knee. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 49

[0023]   **Independent claim 49** has been amended to recite in pertinent part a tangible computer-readable medium encoded with computer–executable instructions configured for:

> entering a target specification into the supplemental content field to correlate supplemental content with a program, the target specification identifying a location for the supplemental content, wherein the entering a target specification into the supplemental content field comprises receiving   the

---

[1] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

[2] See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

> target specification from a viewer accessing an EPG
> user interface (UI) supported by the EPG

[0024]   The cited references, namely Knee and Throckmorton, do not teach a user being able to enter additional URLs to identify target resources that contain supplemental information related to the particular program.   Support for the amendment can be found generally at page 21, line 21 through page 22, line 3

Dependent Claims 51-53

[0025]   These claims ultimately depend upon independent claim 49.   As discussed above, claim 49 is allowable.   It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, some or all of these claims may also be allowable for additional independent reasons.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0026]   Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Serial No.: 10/620,254   16
Atty Docket No.: MS1-0093USC2
Atty/Agent: Jason F. Lindh
RESPONSE TO NON-FINAL OFFICE ACTION

lee&hayes   The Business of IP™
www.leehayes.com   509 324 9256

Based upon Knee

[0027] The Examiner rejects claims 47-48 and 53-54 under 35 U.S.C. § 103(a) as being unpatentable over Knee. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

<u>Independent Claim 47</u>

[0028] **Independent claim 47** has been amended to claim a user interface comprising in pertinent part:

> an electronic programming guide (EPG) executing
>
> on the processor to:
>
> > organize programming information, including correlating Internet universal resource locators (URLs) with particular programs in the EPG, the URLs identifying target resources that contain supplemental information related to the particular programs; and
> >
> > <u>enable a user of the user interface to enter additional URLs identifying target resources that contain supplemental information related to the particular program</u>

Serial No.: 10/620,254
Atty Docket No.: MS1-0093USC2
Atty/Agent: Jason F. Lindh
RESPONSE TO NON-FINAL OFFICE ACTION

17

lee&hayes   The Business of IP™
www.leehayes.com   509 324 9256

[0029] The cited references, namely Knee and Throckmorton, do not teach nor suggest to one of ordinary skill in the art that a user is able to enter additional URLs to identify target resources that contain supplemental information related to the particular program. As such, the combination of cited art does not render claim 47 obvious.

Dependent Claim 48

[0030] Claim 48 ultimately depends upon independent claim 47. As discussed above, 47 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 54

[0031] **Independent Claim 54** has also been amended to incorporate the used entering a hyperlink through an EPG user interface supported by the EPG. The cited references do not teach that the system having an EPG will correlate the user entered hyperlinks with corresponding programming information in the EPG. As such, Independent claim 54 is in proper form for immediate allowance.

Conclusion

[0032]   All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**.   Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: _2008.02.13_   By: _____
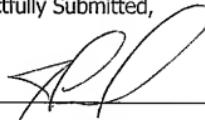
Jason F. Lindh
Reg. No. 59090
(509) 324-9256 x215
jason@leehayes.com
www.leehayes.com

My Assistant: Carly Bokarica
(509) 324-9256 x264
carly@leehayes.com

Serial No.: 10/620,254   19
Atty Docket No.: MS1-0093USC2
Atty/Agent: Jason F. Lindh
RESPONSE TO NON-FINAL OFFICE ACTION

lee&hayes   The Business of IP™
www.leehayes.com   509 324 9256